

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KIP LEON DAU,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of the Social Security
Administration,

Defendant.

CASE NO. 2:15-cv-01380-RBL

ORDER TO PROVIDE PROOF OF
SERVICE OR TO SHOW CAUSE
WHY THIS MATTER SHOULD NOT
BE DISMISSED

THIS MATTER is before the Court on its own Motion. Because there is no evidence in the record that this case has been properly served, the Court hereby orders plaintiff to provide proof of service or show cause by January 19, 2016, why this matter should not be dismissed for lack of prosecution.

At the time of filing this case, Fed. R. Civ. P. 4(m) required a defendant to be served within 120 days after a complaint is filed. Fed. R. Civ. P. 4(l) requires proof of service to be filed or made to the court. At this time, although the Complaint in this matter was filed on September 1, 2015, the record does not show that the Complaint has been properly served. *See* Dkt. 5.

1 Fed. R. Civ. P. 4(i) governs service with respect to complaints against the United States
2 and against United States agencies, officers and employees. *See* Fed. R. Civ. P. 4(i); *see also*
3 *Villegas v. Astrue*, No. 12-cv-1585, U.S. Dist. LEXIS 55223 at *1-*2 (C.D. Cal. April 18, 2012)
4 (unpublished opinion) (citing Fed. R. Civ. P. 41(b)).

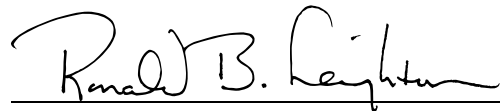
5 Fed. R. Civ. P. 4(m) requires the court to provide notice to plaintiff before the matter may
6 be dismissed for lack of prosecution, and Rule 4(i)(4) requires the court to allow a reasonable
7 time for plaintiff to cure a failure to serve multiple entities, if plaintiff has effected service on
8 either the United States attorney or the Attorney General of the United States.

9 The Court also notes that because plaintiff is proceeding *pro se*, the Court, in the Order
10 granting plaintiff's Motion to Proceed *In Forma Pauperis*, advised plaintiff of some of the
11 relevant federal rules governing service. *See* Dkt. 4, pp. 1-2. For example, the Court advised
12 plaintiff that it is **"the responsibility of plaintiff to properly serve copies of the complaint**
13 **along with appropriate summonses as required by Rule 4 of the Federal Rules of Civil**
14 **Procedure."** *See id.*, p. 1. The Court also informed plaintiff in that Order that regarding social
15 security complaints, "Rule 4(i) requires plaintiff to serve a summons and copy of complaint on
16 the following entities: (a) the United States attorney for the district in which the action is brought
17 or to an assistant United States attorney or clerical employee designated by the United States
18 attorney in writing filed with the clerk of court or the civil process clerk at the office of the
19 United States attorney; (b) the Attorney General of the United States at Washington, District of
20 Columbia; and (c) the officer or agency." *See id.*, p. 2.

1 Plaintiff is ordered to provide proof of service or show cause why this matter should not
2 be dismissed for lack of prosecution by January 19, 2016. Failure to provide proof of service or
3 show cause shall result in dismissal of this action.

4 IT IS SO ORDERED.

5 Dated this 6th day of January, 2016.

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9 Ronald B. Leighton
10 United States District Judge
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